

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHELANGELO MUSCOLINO,

PLAINTIFF

V.

NO. 4:07CV040-P-B

MICHAEL LANDRUM, et al.,

DEFENDANTS

**ORDER DENYING MOTION FOR RECONSIDERATION AND
TO FILE AMENDED COMPLAINT**

Plaintiff's *pro se* § 1983 complaint was filed on March 14, 2007. On April 25, 2007, Plaintiff's complaint was dismissed for failure to state a claim and the case was closed. On May 11, 2007, Plaintiff submitted a motion to alter or amend the judgment of dismissal under Rule 60(b), Federal Rules of Civil Procedure which the court denied. Plaintiff has now submitted a motion for reconsideration and a motion to amend his complaint.

As before, after reviewing the original pleadings as well as the motion and the applicable law, the court concludes that the April 25, 2007, order was correct in law and fact and that Plaintiff has failed to produce a factual or legal basis to alter the court's ruling. *See Murphy v. Collins*, 26 F.3d 541, 543 (5th Cir. 1994) (no due process violation by exclusion of witnesses). In his proposed amended complaint, Plaintiff attempts to clarify his grievances but only reinforces the rationale behind the court's opinion dismissing this matter. Generally, state officials incur no liability for failure to comply with the states own disciplinary policies and procedures. *Myers v. Klevenhagen*, 97 F.3d 91, 94 (5th Cir. 1996); *see also Stanley v. Foster*, 464 F.3d 565, 569 (5th Cir. 2006). Furthermore, though the court is sympathetic to the hardship a transfer may cause Plaintiff's family, an inmate does not have a protectable liberty interest in his classification, housing assignment or transfers. *Jackson v. Cain*, 864 F.2d 1235, 1250 (5th Cir. 1989) (no constitutional right to prevent transfer); *see also Armendariz-Mata v. Lappin*, 2005 WL 3420114 at *1, 157 Fed. Appx. 767 (5th

Cir. Dec. 14, 2005). Therefore, the motion for reconsideration (docket entry 17) and motion for leave to amend (docket entry 18) are hereby **DENIED**.

SO ORDERED:

THIS, the 18th day of June, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE